



CITY OF BOZEMAN  
Bozeman, Montana

EXHIBIT 2  
DATE 2-12-2009  
-HB HB 410

February 10, 2009

RE: House Bill 410 Hearing

Dear Chairman and Local Government Committee Members:

Many communities in Montana have experienced rapid and consistent growth over the past two decades. One result of this growth has been the inability to maintain a sufficient parkland-to-people ratio to meet the recreational needs of these growing communities. It is also important that natural open space be preserved in communities so that Montana towns do not become the "asphalt/concrete cities" that people are moving here to get away from. One source of funding used to purchase park land is Cash-In-Lieu (CIL) of Park Land, which is sometimes provided through development.

The City of Bozeman has been struggling with the Cash-In-Lieu of Park Land system. In its current form, it is not as financially beneficial for municipalities to accept cash-in-lieu, as it is to receive land through subdivision development. Bozeman has been trying to work within the parameters set by state statute to develop a formula that is equitable to both actual land dedication and CIL, but has found the statute language to be somewhat restrictive.

In Bozeman, developers who dedicate land to meet their parkland requirement are required to develop that land to a minimum standard. Those minimum improvements include leveling any park area(s), amending the soil, seeding disturbed areas to allow mowing with turf-type mowers, and installation of underground irrigation systems in compliance with City standards and specifications. There is a significant value that these improvements add to the park land and a significant cost associated with them that is incurred by the contributing developer. Under current regulations the developer providing CIL to meet the park land requirement pays only for the un-subdivided and unimproved land.

The current state statute defines CIL as "*the fair market value of the un-subdivided and unimproved land*".

The word "unimproved" appears to limit a community's ability to adjust the cash-in-lieu to reflect the value of the park site improvements that are required by Bozeman's Unified Development Ordinance. By amending the state statute to read "improve land" we would level the playing field for developers and provide an opportunity for cities to receive more cash-in-lieu when land is not being donated. This money allows communities to make improvements to parks and/or purchase park land in larger pieces and in more appropriate and desirable locations.

With the ability to purchase park land, cities are able to negotiate price, aggregate park land, and choose locations that have greater accessibility and recreational benefit to the community.

Respectfully,

Chris A. Kukulski  
City Manager

Street address: 121 N. Rouse Ave.  
Mailing address: P.O. Box 1230  
Bozeman, Montana 59771-1230

Phone: (406) 582-2300  
Fax: (406) 582-2344  
TDD: (406) 582-2301